

ORIGINAL

UNITED STATES DISTRICT COURT
EASTERN DISTRICT MICHIGAN

DAVID J. SCOTT
Plaintiff,

Case: 2:09-cv-10916
Judge: Cook, Julian Abele
MJ: Majzoub, Mona K
Filed: 03-11-2009 At 04:28 PM
IFP SCOTT V. BURRESS ET AL (JTC)

-vs-
DANIEL A. BURRESS, et al
Defendants.

FIRST SET OF INTERROGATORIES
FOR DEFENDANT DANIEL BURRESS

In reference to the above-captioned
Case, this is the First set of interrogatories
Submitted to you under the Federal Rules of
Civil Procedure. Under those rules, please
answer in writing each of the following
questions within 30 days of receiving
these interrogatories and after signing
under penalty of perjury that the
information you provide is true. Return
same to me at the Livingston County
Jail, 150 S. Highlander Way, Howell, Michigan
48843.

1. When did the Plaintiff's name first become known to you?

a) Outside judicial proceedings has there ever been a communication between you and attorney James Feinberg in which Plaintiff's name was mentioned and/or reference made to the Plaintiff?

b) If answer to 1(a) above is yes give the date(s) or approximate date(s) such communication(s) took place and describe what was discussed.

c) Has there ever been a communication(s) between you and anyone connected with the Michigan Attorney General's Office in which Plaintiff's name was mentioned and/or reference made to Plaintiff?

d) If answer to 1(c) above is yes give the date(s) or approximate date(s) such communications took place, identity, the persons involved in the communications and describe what was discussed.

e) Prior to 12/12/07 was there ever a communication between you and Judge Susan Geddes in which Plaintiff's name was mentioned or reference to Plaintiff made?

f) If answer to 1(e) above is yes give the date(s) or approximate date(s) such communications took place and describe what was discussed.

g) Has there ever been a communication between you and anyone employed with or connected to the Michigan Department of Corrections in which Plaintiff's name was mentioned and/or reference to Plaintiff made?

h) If answer to 1(g) above is yes give the dates or approximate dates such communication(s) took place, identify the primary medical in the communication(s) and describe what was discussed.

i) Prior to 12/12/07 was there ever a communication between you and Judge David Reeder in which Plaintiff's name was mentioned and/or reference to Plaintiff made?

j) If answer to 1(i) above is yes give the dates or approximate dates such communication(s) took place, and describe what was discussed.

k) Prior to 12/12/07 was there ever a communication between you and Judge Carolyn Sue Leader in which Plaintiff's name was mentioned and/or reference to Plaintiff made?

l) If answer to (k) above is yes give the date(s) or approximate date(s) such communication took place and describe what was discussed.

m) Prior to 12/12/07 was there ever a communication between you and Judge Susan Geddes in which Plaintiff's name was mentioned and/or reference to Plaintiff made?

n) If answer to (m) above is yes give the date(s) or approximate date(s) such communication took place and describe what was discussed.

O) Prior to 12/12/07 was there ever communication between you and Judge Teresa Brennan in which Plaintiff's name was mentioned and/or reference to Plaintiff made?

P) If answer to 10) above is yes given the dates or approximate dates such communications took place and describe what was discussed.

Q) Was there ever a communication between you and the late Judge Donald Gee in which the Plaintiff's name was mentioned and/or reference to Plaintiff made?

V) If answer to 11) above is yes given the dates or approximate dates such communications took place and describe what was discussed.

5) Prior to 12/12/07 was there ever communications between you and Judge Stanley Lattrell in which Plaintiff's name was mentioned and/or reference to Plaintiff made?

+) If answer to question 1(5) above is yes, give the dates, such communication(s) took place and what was discussed.

u) Prior to 12/12/07 was there ever communications between you and Judge William Collette in which Plaintiff's name was mentioned and/or reference to Plaintiff made?

v) If answer to 1(u) above is yes, give the dates, or approximate dates, such communication(s) took place and describe what was discussed.

w) Was there ever communication(s) between you and Judge Peter Houk in which Plaintiff's name was mentioned and/or reference to Plaintiff made?

x) If answer to 1(w) above is yes give the date(s) or approximate date(s) such communication(s) took place and describe what was discussed.

2) Has there ever been communication(s) between you and Judge Joyce Dragachuk in which Plaintiff's name was mentioned and/or reference to Plaintiff made?

aa) If answer to 1(x) above is yes give the date(s) or approximate date(s) such communication(s) took place and describe what was discussed.

bb) Has there ever been communications between you and Judge Allen Garbrecht in which Plaintiff's name was mentioned and/or reference to Plaintiff made?

cc) If answer to 1(bb) is yes give the dates, such communications took place and describe what was discussed.

dd) Has there ever been communications between you and anyone connected to the State Court Administrator's Office (SCAO) in which Plaintiff's name was mentioned and/or reference to Plaintiff made?

ee) If answer to 1(dd) is yes, give the dates, such communications took place, identify the persons involved in the communications and describe what was discussed.

ff) Other than in connection with the letter to Barry Getzen by Thomas Cremate dated August 5, 2005, has there ever been a communication between you and anyone connected to the Michigan State Police in which Plaintiff's name was mentioned and/or reference to Plaintiff made?

gg) If answer to question 1(ff) above is yes, given the dates such communications took place, identify the persons involved in the communications and describe what was discussed.

hh) Has there ever been a communication between you and Detective Bollings (currently with the Livingston County Sheriff's Department) in which Plaintiff's name was mentioned and/or reference to Plaintiff made?

ii) Outside judicial proceedings, and other than Detective Bellis, has there ever been communication(s) between you and anyone connected with the Livingston County Sheriff's Department, in which Plaintiff's name was mentioned and/or reference to Plaintiff made?

jj) If answer to question 1(i) above is yes, give the dates of such communications, identify the persons involved in the communications and describe what was discussed.

kk) Outside of judicial proceedings, has there ever been communication(s) between you and anyone connected to the Livingston County Prosecutor's office in which Plaintiff's name was mentioned and/or reference to Plaintiff made?

ll) If answer to l(k) above is yes given the dates of such communications, identify the persons involved in the communications and describe what was discussed.

mm) Has there ever been communications between you and Frank Dehero in which Plaintiff's name was mentioned and/or reference to Plaintiff made?

nn) If answer to l(m) above is yes given the dates or approximate dates, such communications took place and describe what was discussed.

oo) Has there ever been communications between you and Brian Loren in which Plaintiff's name was mentioned and/or reference to Plaintiff made?

pp) If answer to 16y above is yes given the dates, such communications took place and describe what was discussed.

99) Has there ever been communications between you and James Pasenstki in which Plaintiff's name was mentioned and/or reference to Plaintiff made?

vi) If answer to question 16y is yes, given the dates, such communications took place and describe what was discussed.

55) Subsequent to 12/11/07 has there been communications between you and Judge Geddas in which Plaintiff's name was mentioned and/or reference to Plaintiff made?

tt) If answer to question (ss) above is yes, give the details such communications took place and describe what was discussed.

uu) Subsequent to 12/11/07 has there been communications between you and Judge Dorcas Reed in which Plaintiff's name was mentioned and/or reference to Plaintiff made?

vv) If answer to (uu) above is yes given the details such communications took place and describe what was discussed.

ww) Subsequent to 12/11/07 has there been communications between you and Judge Lotredde in which Plaintiff's name was mentioned and/or reference made to Plaintiff?

xx) If answer to 1(ww) is yes
give the date(s) of such communication(s)
and describe what was discussed.

yy) Subsequent to 12/11/07 has
there been communication(s) between you
and Judge Collette in which Plaintiff's
name was mentioned and/or reference to
Plaintiff made?

zz) If answer to 1(yy) above is
yes give the date(s) of such
communication(s) and describe what was
discussed.

aaa) Subsequent to 12/11/07 has
there been communication between you
and Judge Carolyn Sue Reader in which
Plaintiff's name was mentioned and/or
reference to Plaintiff made?

bb) Subsequent to 12/11/07 has there been communication(s) between you and Judge Geddes in which Plaintiff's name was mentioned and/or reference to Plaintiff made?

cc) If answer to (bb) above is yes give the date(s) such communication(s) took place and describe what was discussed.

dd) Subsequent to 12/11/07 has there been communication(s) between you and Judge Teresa Brann in which Plaintiff's name was mentioned and/or reference to Plaintiff made?

ee) If answer to (dd) above is yes give the date(s) or approximate date(s) such communication(s) took place and describe what was discussed.

ff) Has there ever been communications between you and George Lotuener in which Plaintiff's name was made and/or reference to Plaintiff made?

gg) If answer to 1 ff) above is yes given the dates or approximate dates, such communications took place and describe what was discussed.

hh) Has there ever been communications between you and Maurice Lotuener in which Plaintiff's name was mentioned and/or reference to Plaintiff made?

iii) If answer to 1 hh) above is yes given the dates or approximate dates, such communications took place and describe what was discussed.

2. What is the date or approximate date the letter from Thomas Creamante to Barry Getzen dated August 5, 2005 was first discussed between you and Thomas Creamante?

a) As referenced in the letter identify by name who in the prosecutor's office is of the opinion that Plaintiff poses a danger to you and/or other persons.

b) As referenced in the letter describe specifically what Plaintiff has said and done that "expressed" his alleged intent to "kill" you.

c) As referenced in the letter, identify by name the other people Plaintiff intends to "kill".

d) I identify by name the FBI personnel referenced in the letter.

e) As referenced in the letter, identify by name the "2 subjects" Plaintiff allegedly tried to hire to kill Brian Loran.

f) I identify by name the "informant" who "forwarded information from prison that Scott had told others of his intent to kill both Loran and" you.

h) As referenced in the letter, identify by name the other people Plaintiff told of his alleged intent to "kill both Loran and" you.

i) As referenced in the letter, give the date or approximate date that the "informant forwarded information from prison" regarding Plaintiff allegedly telling others of an intent to kill Lacey and you.

j) As referenced in the letter, identify by name the people Plaintiff allegedly used "to collect on old drug debts."

k) As referenced in the letter, identify by name all those in "the judiciary" who are of the opinion Plaintiff poses a danger to you and/or other persons.

1) As referenced in the letter, identify by name the people that were interviewed but afraid of Plaintiff.

m) Did you assist (remake in any way in preparing the August 5th 2005 letter?

n) If answer to 2m) above is yes describe the assistance you provided.

3. Identify by name the persons who first informed you of Plaintiff's alleged intent to harm you.

4. Was there ever a determination made as to the validity of the accusation(s) of Plaintiff's alleged intent to harm you?

a) If answer to 4(a) is yes, describe what the determination was and how it was made.

5. What steps have you taken to protect yourself from Plaintiff's alleged intent to harm you?

a) Have you sought a personal protection order (PPO)?

b) If answer to 5(a) above is no, explain why you haven't sought a PPO.

c) Have you told people that you had a surveillance system installed at your home to protect yourself against Plaintiff?

d) If answer to 5(c) above is yes, identify by name or best you can all persons you have told this to.

e) Did you tell attorney Bert Beermann that you installed a surveillance system to protect yourself against Plaintiff?

6. Did the allegation of Plaintiff intending to harm you arise at or around the same time you received notice of the Subpoena in the case of Scott v. Bair?

a) Did the allegation of Plaintiff intending to harm you first arise after you received notice of the Subpoena in Scott v. Bair?

6) Give the date or approximate date that the allegation of Plaintiff intending to harm you first arose.

7. Did you express being upset to anyone over being served the Subpoena in Scott & Bell?

a) If answer to 7 above is yes identify by name as best you can all people you expressed being upset over being served said subpoena.

8. Have you expressed being upset to anyone about being named as a defendant in this instant lawsuit?

a)

a) If ~~answer~~ to 8 above is yes identify by name or best you can all persons you expressed being upset over being named a defendant in the instant lawsuit

b) Prior to 12/14/07, was there ever a communication between you and Judge Brennan in which the instant lawsuit was mentioned?

c) Subsequent to 12/10/07 has there been any communication between you and Judge Brennan in which the instant lawsuit was mentioned?

9. Prior to 12/14/07 were you aware of the the law enforcement activity that led to the criminal charges Plaintiff currently faces?

a) If answer to 9 above is yes, give the date or approximate date you first became aware of such activity.

b) Prior to 12/11/07 was there communication(s) between you and any other person(s) in which the law enforcement activity that led to the criminal charges Plaintiff currently faces was mentioned or referenced?

c) If answer to 9(b) above is yes identify by name as best you can all person(s) involved in such communications.

d) Prior to 12/11/07 was there discussion between you and any law enforcement personnel relevant in any way to the criminal charges, Plaintiff currently faces?

10. Do you possess or are you aware of any written, recorded or any other tangible evidence that supports allegation(s) of Plaintiff interacting to harm you.

c) If answer to 10 above is yes describe said evidence.

11. Are you aware of Plaintiff being at your home between July and October 2006?

a) If answer to 11 above is yes, describe what if any action(s) you took or attempted to take against Plaintiff.

12. During a proceeding December 5, 1986 you made reference on the record to an attorney in Chicago. (See excerpt of transcript Exhibit-1) Identify by name the source by which you learned about the attorney in Chicago.

a) Did you learn about the attorney in Chicago as referenced during the December 5, 1986 proceeding directly and/or indirectly from Maureen Lotvenas?

b) Did you learn about the attorney in Chicago as referenced during the December 5, 1986 proceedings directly and/or indirectly from George Lotvenas?

c) Is your knowledge about the Chicago attorney as referenced during said 12/5/86 proceedings in anyway associated with a criminal investigation against Judge Michael Everett and/or a county wide investigation conducted in 1986?

d) Is Plaintiff's inquiry into the source of your knowledge about the Chicago attorney in anyway associated with orders disqualifying yourself from hearing matters pertaining to Plaintiff? (See Order attached as Exhibit - 2)

e) Is Plaintiff's inquiry into the source of your knowledge about the Chicago attorney as referenced during said 12/5/86 proceeding in any way associated with a State Court filing restriction placed on the Plaintiff by Judge Collette? (see order attached as Exhibit-3)

f) Is Plaintiff's inquiry into the source of your knowledge about the Chicago attorney as referenced during said 12/5/86 proceeding in any way associated with allegations of Plaintiff intending to harm you?

By my signature below I declare under penalty of perjury that my answers as set forth above are true.

Dated: _____

Daniel A. Burns

IN THE CIRCUIT COURT FOR THE COUNTY OF LIVINGSTON

PEOPLE OF THE STATE OF MICHIGAN,

DAVID JAMES SCOTT,

Defendant.

No. 84-3993-PH
84-4069-PH
84-4070-PH
84-4071-PH

MOTIONS

BEFORE THE HONORABLE DANIEL A. BURRESS, CIRCUIT JUDGE

Howell, Michigan - Friday, December 5, 1986

APPEARANCES:

For the People:

MR. ROBERT T. DETWEILER (P25494)

For the Defendant:

MR. JAMES L. FEINBERG (P13341)

RECEIVED

MAY 14 1987

State Appellate Defender Office

REPORTED BY: FEG L. GOODRICE, CER-0258, RPR-CM
Certified Court Reporter
618 E. Garrison Road
Owosso, Michigan 48867
517/725-8618

14-4
EXHIBIT-1

1
2 point that he had sought out other legal advice and
3 counsel. Unbeknownst to me, which is his right, he
4 attempted to pursue possible other avenues of resolution.
5 We had disagreements about that. I don't have the exact
6 date. I am not sure that it was before or after the
7 January of 1986 order to remand all three of the cases
8 back from preliminary examination but there was another
9 attorney contacted in another state.

10
11 THE COURT: Before you go into that, let me
12 just establish something on the agreement. I take it
13 that the agreement that you were negotiating was never
14 put in writing and never put on the record.

15 MR. FEINBERG: It was -- well, it couldn't be
16 put on the record because we hadn't gotten to the point
17 of offering it to the Court but I know the prosecution
18 will stand up and admit --

19 THE COURT: That's not my point.

20 MR. FEINBERG: And it was in fact a firm offer
21 that we relied on.

22 THE COURT: That's not my point. My point is,
23 was it in writing?

24 MR. FEINBERG: I have never seen it in writing.

25 THE COURT: And was it on the record?

MR. FEINBERG: It was not part of putting it on

the record.

THE COURT: That's all I wanted to establish,
Go ahead.

MR. FEINBERG: Okay. The defense --

THE COURT: There was other counsel you were
looking at in Chicago.

MR. FEINBERG: Well, not looking at. He called
me and indicated that Dave Scott had gone to him and was
very angry at me, very, very hostile, accusing me of not
representing him, accusing me of all kinds of problems
and for the record, the last time I ever got paid on
anything, your Honor, was February of 1985. Now, Mr.
Scott's response was, "I have no money. How can I pay
you if I don't have any money?"

Believe me when I tell you that from February
of 1985 until the present time, I have put in an enormous
amount of hours on this particular matter, both phone
calls and negotiations and with the State, talking with
Mr. Scott, talking with other attorneys, talking with the
police department, talking with the prosecutor's office,
preparing motions to remand, conducting preliminary
examinations, getting additional discovery and whatever,
just a lot of time.

THE COURT: And if I were to ask you on this
record the color of the appearance you filed, only a few

Approved, SCAO

Post mark 4/13/94

Received 4/14/94 3

44th STATE OF MICHIGAN JUDICIAL CIRCUIT JUDICIAL DISTRICT COUNTY PROBATE COURT	ORDER OF DISQUALIFICATION	CASE NO. 93-12675 C2
Court name and address 210 S. Highlander Way, Howell, Michigan 48843		Court telephone no. 517-548-1120
Plaintiff name(s) and address(es) David J. Scott	v	Defendant name(s) and address(es) Livingston County Sheriff Dept. and Dennis DeBurton
Plaintiff's attorney, bar no., address, and telephone no. In Pro Per		Defendant's attorney, bar no., address, and telephone no. David N. Morrell, Jr. Cohl, Stoker & Toskey, P.C. 601 North Capitol Lansing, MI. 48933

IT IS ORDERED:

Judge Daniel A. Burress

himself, is disqualified from hearing this case for the following reason,

pursuant to MCR 2.003:

- ☐ a. Interested as a party.
- ☐ b. Personally biased or prejudiced for or against a party or attorney.
- ☐ c. Consulted or employed as an attorney in the matter in controversy.
- ☐ d. Was a partner of a party, attorney for a party, or a member of a law firm representing a party within the preceding two years.
- ☐ e. Related within the third degree (civil law) of consanguinity or affinity to a person acting as an attorney or within the sixth degree (civil law) to a party.
- ☐ f. The judge's spouse or minor child owns a stock, bond, security, or other legal or equitable interest in a corporation which is a party, unless specifically excepted by MCR 2.003(B)(6)(a)(b) or (c).
- ☒ g. Other: (specify) To avoid any inappropriate appearances.

Date 4/28/94

Judge Daniel A. Burress Bar no.

INTERNAL REASSIGNMENT REQUEST

Judge _____ has been chosen by lot from the judges not disqualified in this case. I request that this case be reassigned to this judge.

Date _____ Court Administrator or Clerk of the Court _____
Reassignment approved as requested.

Date _____ Chief Judge _____ Bar no. _____

IF ALL JUDGES OF THIS COURT ARE DISQUALIFIED - SEE REVERSE SIDE
FOR REASSIGNMENT TO A JUDGE OF ANOTHER COURT

Transcript made 7/28/97

Post mort 7/24/97

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF LIVINGSTON

DAVID J. SCOTT, #191939,

File No. 96-15264-NM

Plaintiff,

HON. William E. Collette
Visiting Circuit Judge

v

ORDER

FREDERICK A. NEUMARK AND
BARBERA LAVINE,

Defendants.

At a session of said Court held
in the City of Lansing, County
of Ingham, State of Michigan, this
31st day of July, 1997.

PRESENT: HONORABLE WILLIAM E. COLLETTE, Circuit Judge

This matter having come before the Court on Plaintiff's
Civil Complaint Filed on June 28th, 1996.

Having reviewed the Plaintiff's Complaint and denying
Plaintiff's Motion for Alternate Service on March 31st, 1997, this
Court rules that pursuant to MCR 2.102(D) Plaintiff's Complaint be
dismissed without prejudice for the reasons that proper service has
not been performed, the summons has expired, and the Plaintiff has
failed to communicate good cause why proper service has not been
performed.

THEREFORE IT IS HEREBY ORDERED, that case number 96-15264-NM
be DISMISSED WITHOUT PREJUDICE pursuant to MCR 2.101(D) and MCR
2.101(E) for the reasons that the Summons has expired and the
Defendants have not been properly served.

IT IS FURTHER ORDERED that Plaintiff is barred from filing any
future law suits in any Michigan Circuit Court or any Michigan

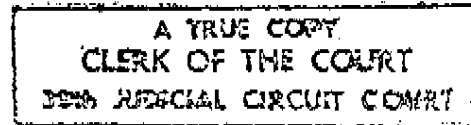
EXHIBIT-3

A A M

Court of Claims without first seeking and obtaining permission from Chief Circuit Judge and Court of Claims Judge Peter D. Houk. This is due to Plaintiff's repeated and consistent filing of frivolous suits which have been transferred to this Court from the Livingston County Circuit Court.



William E. Collette
Circuit Judge



2

STATE OF MICHIGAN
IN THE CIRCUIT COURT FOR THE COUNTY OF LIVINGSTON

DAVID J. SCOTT, #191939,

File No. 96-15264-NM

Plaintiff,

HON. William E. Collette
Visiting Circuit Judge

v

ORDER

FREDERICK A. NEUMARK AND
BARBERA LAVINE,

Defendants.

At a session of said Court held
in the City of Lansing, County
of Ingham, State of Michigan, this
14th day of Aug, 1997.

PRESENT: HONORABLE WILLIAM E. COLLETTE, Circuit Judge


This matter having come before the Court on Plaintiff's
Motion for Reconsideration.

This Court, after discovering a clerical error in not
returning Plaintiff's Complaint and Summons when Plaintiff's Motion
for Alternate Service was denied on March 31st, 1997, orders this
motion be GRANTED.

THEREFORE, IT IS HEREBY ORDERED that Plaintiff's Motion for
Reconsideration be GRANTED pursuant to MCR 6.504.

IT IS FURTHER ORDERED that the Court's Order dated July 23rd,
1997, is VACATED and this case is re-opened and proceed as
prescribed by law.

IT IS FURTHER ORDERED that the Livingston County Clerk's
Office issue a new Summons in this matter.


William E. Collette
Circuit Judge

